

2 BY MR. PURICELLI:

3 Q. Okay. I'm showing you what's
4 been marked Ignatz-4. You testified earlier
5 under oath truthfully that you reviewed the
6 statute that we're talking about, 2908.

7 Did you not?

8 A. Yes.

9 Q. Is this the statute you reviewed?

10 A. Yes.

11 Q. Okay. So when you were
12 testifying previously, you were testifying
13 truthfully.

14 A. Yes.

15 Q. Okay. Now, in this particular
16 one it says the duties of law enforcement
17 agency.

18 Doesn't it?

19 A. Yes, sir.

20 Q. Okay. Does it limit anywhere in
21 that statute only the agency investigating a
22 missing child report is to make an entry into
23 NCIC about a missing child?

24 Can you find that anywhere
25 in that statute?

2 A. I don't read that in that
3 particular statute.

4 Q. Well, you were trained in this.
5 Tell me what your training was.

6 Strike that.

7 I'll lay a foundation.

8 You were, in fact, trained
9 by the Pennsylvania State Police and the
10 crimes code sections.

11 Weren't you?

12 A. Yes.

13 Q. Okay. And you were given annual
14 updates just like municipal police officers
15 on the crimes code.

16 Isn't that true?

17 A. Yes.

18 Q. Okay. So this would have been
19 one of the statutes you were specifically
20 trained at the State Police Academy.

21 Correct?

22 A. Probably was.

23 Q. Okay. Relying on your
24 training -- and we'll go get those records
25 afterwards -- can you tell me what that

2 statute you were taught was to mean?

3 A. To me it doesn't say any law
4 enforcement agency.

5 Q. That's to you.

6 What's your training?

7 What did they train you?

8 That was my question.

9 A. Well, my training was to read the
10 law and try to get an understanding of it
11 before enforcing it.

12 Q. Uh-huh.

13 A. And by doing that, to me it
14 doesn't say any law enforcement agency has
15 the ability to investigate a report of a
16 missing child from any jurisdiction.

17 Q. Does it talk about investigating
18 in here anywhere?

19 A. Yes.

20 Q. Can you show me where it says
21 investigating?

22 A. (a) (1) .

23 Q. Uh-huh. Law enforcement agency
24 shall have the following duty to respect to
25 missing children.

2 Did I read that sentence
3 correctly?

4 A. Yes.

5 Q. Nothing in there about
6 investigating.

7 Right?

8 A. The next section.

9 Q. That says what the duties shall
10 be of the law enforcement agency.

11 Correct?

12 A. Yes, but goes on to the
13 subsections.

14 Q. Okay. And it says -- the first
15 one says it shall investigate immediately
16 upon receipt of a report regardless of the
17 age of missing child or the circumstances
18 surrounding the distance parents of the
19 child.

20 Doesn't it say that?

21 A. Yes.

22 Q. Doesn't say that if the child is
23 missing from a neighboring township another
24 police department receiving that information
25 shouldn't start the investigation.

2 Does it?

3 A. It does not say that.

4 Q. Does not say that.

5 Now, we go to two unless

6 you want to read the rest of it. Just to

7 paraphrase, it says you can't wait any time.

8 Does it?

9 Police department can't

10 impose like a three day wait.

11 Right?

12 A. That's correct.

13 Q. Okay. So we're being fair on the
14 record for Randy.

23 A. Yes.

24 Q. Now, in the Newtown Township case
25 the law doesn't say they had to investigate

2 it.

3 Did it?

4 A. No.

5 Q. But if they did, they had to do
6 it promptly and put it on the right forms.

7 Correct?

8 A. Yes.

9 Q. And you weren't interested in
10 whether they were properly investigating,
11 right, or doing the right forms, you were
12 simply seeing did they have a report?

13 Right?

14 A. Right.

15 Q. Okay. Now, three: To make an
16 entry into the missing persons file through
17 the Commonwealth Law Enforcement Assistance
18 Network, what we have been referring to as
19 CLEAN, and they see in this.

20 Right?

21 A. Yes.

22 Q. In accordance with the
23 Pennsylvania State Police policies and
24 procedures immediately upon the receipt of
25 sufficient identification information on the

2 missing child.

3 Did I read that

4 accurately?

5 A. Yes, sir.

6 Q. Now, that didn't limit any police
7 agency from making an entry.

8 Did it?

9 A. No. That didn't.

10 Q. That didn't.

11 Now, in your search to see
12 whether there was a report and your
13 discussions with Troop F, did you ever come
14 across a CLEAN entry in compliance with the
15 law for the missing children that were put in
16 by Newtown Township by Troop F?

17 A. That wasn't part of our
18 investigation.

19 Q. Oh.

20 A. I did not.

21 Q. You were doing audits, your
22 department.

23 Weren't they?

24 A. Yes, sir.

25 Q. And in your audits do you audit

2 State Police requirements under the law?

3 A. Yes, sir.

4 Q. Did you come across at any time
5 that you were there any NCI entry for the
6 Bush children by Troop F in conformity with
7 2908 (3) -- (a) (3)?

8 A. I did not.

9 Q. Now, the law specifically that
10 we're talking about that your attorney wanted
11 us to look at, okay, specifically says there
12 are policies and procedures of the
13 Pennsylvania State Police to be filed.

14 Does it not?

15 A. Yes.

16 Q. What are those?

17 A. Basically I believe it mirrors
18 the missing children section of the crimes
19 code if we receive a report of missing
20 children.

21 Q. Is it a discipline infraction in
22 the Pennsylvania State Police under the FRs,
23 ARs, or any code of conduct rules that the
24 state has to violate a state law requirement?

25 A. Yes.

2 Q. Trooper including a captain who's
3 under the code of conduct --

4 A. Yeah.

5 Q. -- to be --

6 A. It --

7 Q. If a captain was looking into
8 whether a police department had jurisdiction
9 on a particular matter and he came across
10 information that members of his troop and
11 subordinates to him had violated the law
12 should he have reported that violation to
13 anybody?

14 A. I believe so.

15 Q. Okay. And who would he, under
16 police procedure, have been required to
17 report it to?

18 A. Well, I think our policy is to
19 take immediate action to make that stop and
20 then file a complaint. Internal affairs
21 complaint.

22 Q. Okay. He can't ignore it.

23 Right?

24 A. Correct.

25 Q. Now, can we agree that 2908

2 (a) (3) referencing the State Police policies
3 and procedure we just talked about require
4 the State Police to make a CLEAN entry when
5 someone comes in and reports their children
6 missing?

7 MR. HENZES: Object to the
8 form of the question.

9 BY MR. PURICELLI:

10 Q. You can answer it if you
11 understand it.

12 A. Could you repeat it?

13 Q. I can.

14 Can we agree under the law
15 that we just went over, 2908 (a) (3), the last
16 one we talked about, okay, that if a person
17 went into Troop F and reported his children
18 missing, one, the law required Troop F to
19 start an investigation?

20 A. That's accurate.

21 Q. Put that investigation on the
22 appropriate State Police form.

23 Correct?

24 A. Yes.

25 Q. And enter the children into NCIC

2 regardless of the circumstances that they're
3 reported missing.

4 A. I don't think that's accurate.

5 Q. Did you read three?

6 A. I did read it.

7 Q. Did it say to enter them?

10 Didn't it?

11 A. If there's sufficient evidence.

12 Q. Isn't it saying --

13 A. Sufficient information on the
14 missing child.

15 Q. Where does it say sufficient
16 evidence?

17 A. I'm sorry. I misread that, sir.

18 Sufficient identification information on the
19 missing child.

20 Q. All right. Now, was there any
21 question in what you knew of the case now not
22 your investigation that the Bush children
23 weren't identified sufficiently enough to be
24 entered into the NCIC system?

25 A. It's my understanding that they

2 weren't actually missing. They were with
3 their mother.

4 Q. Is that true?

5 A. That's my understanding.

6 Q. So when the kids were found then
7 in Virginia and turned over to the father and
8 the State Police knew that they equally
9 wouldn't be missing.

10 Would they?

11 Lieutenant?

12 A. I guess not.

13 Q. Well, what was your reason they
14 weren't missing?

15 A. They knew where they were at.

16 Q. Someone told you they weren't
17 missing.

18 Who told you that?

19 MR. HENZES: Told him?

20 MR. PURICELLI: Yes.

21 MR. HENZES: When?

22 At the time it happened?

23 MR. PURICELLI: We'll get
24 to that.

25 MR. HENZES: Or what he

2 subsequently learned throughout this
3 investigation?

4 MR. PURICELLI: Let's find
5 out.

6 BY MR. PURICELLI:

7 Q. When did you find out the kids
8 weren't missing under the law?

9 A. That was discussed on our way
10 down there to do the audit.

11 Q. Thank you.

12 A. Or --

13 Q. I understand that completely.

14 Fultz told you that.

15 Didn't he?

16 A. Yes.

17 Q. Okay. Did you ask what the
18 circumstances were; as the law required?

19 A. We had discussed the case in
20 general terms on the way down there.

21 Q. Did he tell you why he was saying
22 the kids weren't missing?

23 A. Because they were with their
24 mother is what I was told.

25 Q. Did he tell you that he -- that

2 the State Police and Troop F up until
3 Mr. Bush found them knew where the children
4 were other than they were with the mother
5 somewhere in this world?

6 A. This was -- we were down there
7 long after the fact. All I knew is when the
8 entry was made the mother had the children
9 out of state. That's what he told me.

10 Q. And that's all he told you.

11 A. I believe so.

12 Q. Okay. Can children be missing
13 even if they're with their mother, known
14 their with their mother and still violate the
15 law for taking the children?

16 A. That, I don't know, sir.

17 Q. Were you aware that Montgomery
18 County just the last couple of months
19 prosecuted a mother who absconded away with
20 her child into Canada and was just sentenced
21 because she held the child in Canada from the
22 father?

23 A. I wasn't aware of that.

24 Q. Weren't aware of that.

25 A. No. I work in the western part